

**KOLDYS & KELLEHER P.C.**

449A Faunce Corner Road

Dartmouth, MA 02747

Ph. (508) 998-0000

Fax (508) 998-0300

**Gregory J. Koldys, Esq.\***

**Mary E. Kelleher, Esq.**

**Virginia C. Beams, Esq. of Counsel\*\***

**Jay L. Horowitz, Esq. of Counsel**

**Also Admitted To Practice In**

**\* Connecticut**

**\*\* Florida**

**HAND DELIVERED**

September 9, 2015

Sarah Porter  
New Bedford Conservation Commission  
133 William Street, Room 304  
New Bedford, MA 02740

Re: Next Meeting Agenda for 9/29/2015  
Nordic Fisheries, Inc.  
216 Herman Melville Blvd., New Bedford, MA

Dear Ms. Porter:

Enclosed please an original and one copy of WPA Form 1-Request for Determination of Applicability and check in the amount of \$150.00 payable to the City of New Bedford as administrative fee. Please remove Form 2 from the existing package.

Please note that Nordic is requesting that at the next scheduled meeting, the Conservation Commission issue a negative determination.

Thank you for your assistance. I appreciate your courtesies.

Yours truly,

KOLDYS & KELLEHER P.C.

*Mary E. Kelleher*

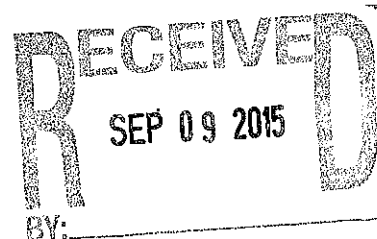
Mary E. Kelleher

MEK@kklawpc.com

MEK/gt

Enclosures

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Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

New Bedford  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. General Information**

**Important:**  
When filling out  
forms on the  
computer, use  
only the tab key  
to move your  
cursor - do not  
use the return  
key.



1. Applicant:

Nordic Fisheries, Inc.

Name

E-Mail Address

14 Hervey Tichon Avenue

Mailing Address

New Bedford

City/Town

MA  
State

02740  
Zip Code

(508) 993-5300

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Koldys & Kelleher P.C.

Firm

Mary E. Kelleher

Contact Name

MEK@kklawpc.com  
E-Mail Address

449A Faunce Corner Road

Mailing Address

Dartmouth

City/Town

MA  
State

02747  
Zip Code

(508) 998-0000

Phone Number

(508) 998-0300  
Fax Number (if applicable)

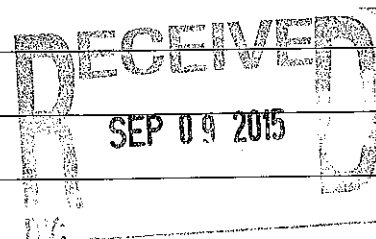
**B. Determinations**

1. I request the New Bedford make the following determination(s). Check any that apply:  
Conservation Commission

- ☒ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☐ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☐ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).





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New Bedford  
City/Town

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**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

216 Herman Melville Blvd.

Street Address

New Bedford

City/Town

Plot 72, Lot 283A

Assessors Map/Plat Number

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

Filled tidelands in North Terminal, northeast corner of Herman Melville Blvd. and Hervey Tichon Ave.

- c. Plan and/or Map Reference(s):

Plan Accompanying Petition of City of New Bedford Harbor Development  
Commission, Lessor Nordic Fisheries, Inc., Lessee to License and Maintain  
the Existing #216 Building on Licensed Filled Tideland in New Bedford North  
Terminal City of New Bedford Bristol County, MA

Scale: 1"=60' Alan Ewing Engineering, Inc.

Title

8/24/2015

Date

Date

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

No work is being proposed. Pre-existing building and pre-existing parking.



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New Bedford  
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**C. Project Description (cont.)**

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

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3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

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Bureau of Resource Protection - Wetlands

New Bedford  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

City of New Bedford, Harbor Development Commission

Name

133 William Street

Mailing Address

New Bedford

City/Town

MA

State

02740

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Nordic Fisheries, Inc.

By

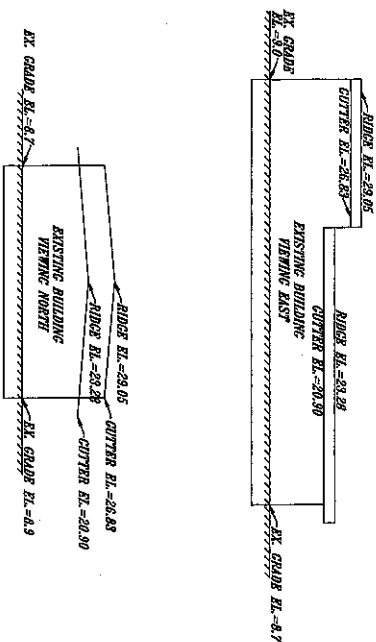
Signature of Applicant

Date

Signature of Representative (if any)

Date

## PREPARER



PLAN ACCOMPANYING PETITION OF  
CITY OF NEW BEDFORD HARBOR  
DEVELOPMENT COMMISSION, LESSEE  
NORDIC FISHERIES, INC., LESSEE

THE EXISTING #216 BUILDING  
ON LICENSED FILLED TIDELAND IN  
NEW BEDFORD NORTH TERMINAL

CITY OF NEW BEDFORD  
BUDGET SUMMARY 14

AUG. 24, 2015

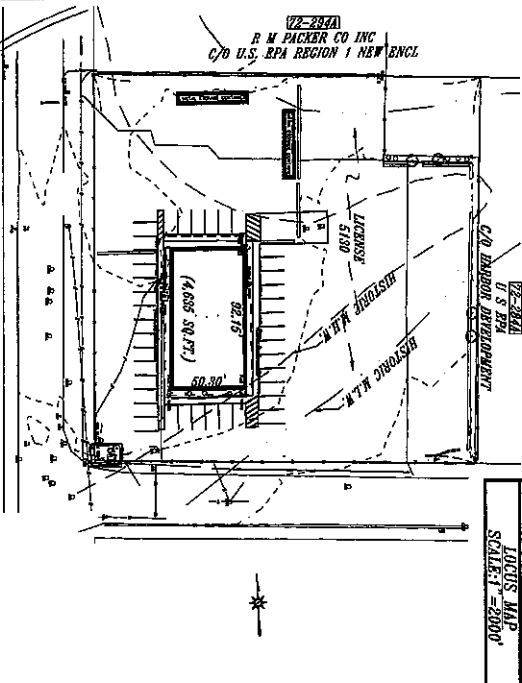
**ALAN EWING ENGINEERING, INC.**

261 NEW BOSTON ROAD  
BATHURST NSW 2213  
AUSTRALIA

tel./fax: 508-997-9311

NO.	REVISION DATE	DESCRIPTION
	SHEET 2 OF 2 SHEETS	

## PREPARATION



NOTES:  
1. ALL ELEVATIONS SHOWN REFER TO MAYD 1988 DATUM.  
2. THE ENTIRE LOT SHOWN IS LOCATED IN FLOOD ZONE X  
AS DELINEATED ON FIRM MAP 250050033SGE DATED: 07/16/2014.  
3.BEING SHOWN AS LOT #283 ON NEW BEDFORD ASSESSORS PLAT #722  
4. LOT NUMBERS IN RECTANGLES REFER TO CITY OF NEW  
BEDFORD ASSESSORS PLATS & LOTS.

PLAN ACCOMPANYING PETITION OF  
CITY OF NEW BEDFORD HARBOR  
DEVELOPMENT COMMISSION, LESS  
NORDIC FISHERIES, INC., LESSEE

**THE EXISTING #216 BUILDING  
ON LICENSED FILLED TIDE LAND IN  
NEW BEDFORD NORTH TERMINAL**

CITY OF NEW BEDFORD

AUG. 24, 2015

ALAN EWING ENGINEERING, INC.

261 NEW BOSTON ROAD

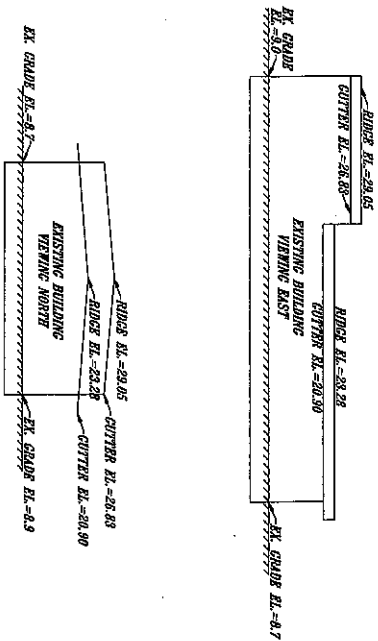
tel./fax: 508-997-9311

NO.	REVISION	DATE	DESCRIPTION

SHEET 1 OF 2 SHEETS

"I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

PREPARED



PLAN ACCOMPANYING PETITION OF  
CITY OF NEW BEDFORD HARBOR  
DEVELOPMENT COMMISSION, LESSOR  
NORDIC FISHERIES, INC., LESSEE

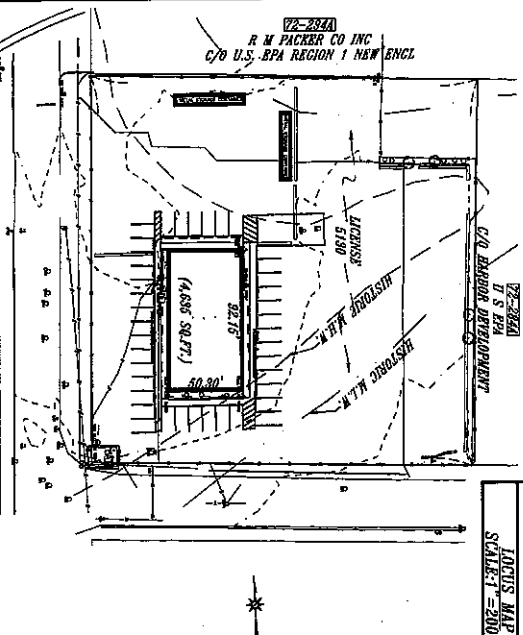
TO LICENSE AND MAINTAIN  
THE EXISTING #216 BUILDING  
ON LICENSED FILLED TIDELAND IN  
NEW BEDFORD NORTH TERMINAL  
CITY OF NEW BEDFORD  
BRISTOL COUNTY, MA.  
AUG. 24, 2015 SCALE: 1"=20'  
ALAN EWING ENGINEERING, INC.  
261 NEW BOSTON ROAD  
FAIRHAVEN, MA 02719-5301  
tel./fax: 508-997-9811

NO.	REVISION DATE	DESCRIPTION
1		SHEET 2 OF 2 SHEETS

"I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

PREPARED

- NOTES:
1. ALL ELEVATIONS SHOWN REFER TO MVD 1988 DATUM.
  2. THE ENTIRE LOT SHOWN IS LOCATED IN FLOOD ZONE X AS Delineated ON FEMA MAP 200503030C DATED: 07/16/2014.
  3. BEING SHOWN AS LOT #203 ON NEW BEDFORD ASSESSORS PLAT #12.
  4. LOT NUMBERS IN RECTANGLES REFER TO CITY OF NEW BEDFORD ASSESSORS PLATS & LOTS.



PLAN ACCOMPANYING PETITION OF  
CITY OF NEW BEDFORD HARBOR  
DEVELOPMENT COMMISSION, LESSOR  
NORDIC FISHERIES, INC., LESSEE

TO LICENSE AND MAINTAIN  
THE EXISTING #216 BUILDING  
ON LICENSED FILLED TIDELAND IN  
NEW BEDFORD NORTH TERMINAL  
CITY OF NEW BEDFORD  
BRISTOL COUNTY, MA.  
AUG. 24, 2015 SCALE: 1"=60'  
ALAN EWING ENGINEERING, INC.  
261 NEW BOSTON ROAD  
FAIRHAVEN, MA 02719-5301  
tel./fax: 508-997-9811

NO.	REVISION DATE	DESCRIPTION
1		SHEET 1 OF 2 SHEETS